

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-95-E ORDER NO. 2021-47-H

APRIL 20, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

James T. Simmons v. Duke Energy Carolinas, LLC

MATTER UNDER CONSIDERATION:

Request to Hold Testimony Dates and Hearing Date in Abeyance

Motion for Confidentiality of Confidential Version of Verified Answer and Motion to Dismiss

CHIEF HEARING OFFICER'S ACTION:

First, Duke Energy Carolinas, LLC ("DEC" or "the Company") has filed a request to hold the remaining pre-filing dates and the hearing date in abeyance until the Commission has an opportunity to consider the Company's Motion to Dismiss in this Docket. Clearly, the next pre-filing date is April 22, 2021, and the Commission will not be able to consider the Motion to Dismiss before then. If this first pre-filing date is held in abeyance, then it is logical to also hold the additional pre-filing date in abeyance, as well as the hearing date in abeyance. Accordingly, all remaining pre-filing dates and the hearing date are held in abeyance until further Order of the Commission. If the Motion to Dismiss is denied, a new procedural schedule will be set. If the Motion to Dismiss is granted, the case will be at an end.

Second, DEC moves for confidential treatment of the confidential version of the Verified Answer and Motion to Dismiss, on the grounds that exhibits included with this document contain customer-specific account information. An examination of the document reveals that attached to said document is a three-year billing and payment history with regard to billing and payments by the Complainant in this case to the Company. Further, this same information is discussed in the confidential version of the Motion to Dismiss. Customer-specific account information may be exempt from disclosure under S.C. Code Ann. Section 30-4-40 (a) (2), which states that information of a personal nature where the public disclosure would constitute unreasonable invasion of personal privacy may be held by a public body to be exempt from disclosure. I hold that release of this information would be an unreasonable invasion of personal privacy of the Complainant. Accordingly, the confidential version of the Verified Answer and Motion to Dismiss is hereby declared to be confidential.

This ends the Chief Hearing Officer's Directive.